Int. Cl.: 3

Prior U.S. Cls.: 1, 4, 6, 50, 51, and 52

Reg. No. 2,744,670

United States Patent and Trademark Office **Registered July 29, 2003**

TRADEMARK
PRINCIPAL REGISTER

YOU WISH!

AUSTRALIAN GOLD, INC. (INDIANA CORPORATION)
6270 CORPORATE DRIVE
INDIANAPOLIS, IN 462782900

FOR: SUNTANNING PREPARATIONS, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 11-8-2002; IN COMMERCE 11-8-2002.

SN 76-403,551, FILED 5-3-2002.

LINDA POWELL, EXAMINING ATTORNEY

Dockets.Justia.com

Int. Cl.: 3

Prior U.S. Cls.: 51 and 52

Reg. No. 1,928,801

United States Patent and Trademark Office

Registered Oct. 24, 1995

TRADEMARK
PRINCIPAL REGISTER

SWEDISH BEAUTY

RENT THE SUN, LTD. (NEW YORK CORPORATION), DBA HAWAIIAN SUN CENTER
159 ROUTE 304
BARDONIA, NY 10954, ASSIGNEE OF RENT THE SUN, LTD. (NEW YORK CORPORATION), DBA HAWAIIAN SUN CENTER BARDONIA, NY 10954

FOR: COSMETIC PREPARATIONS; NAMELY, TANNING ACCELERATOR LOTIONS, IN CLASS 3 (U.S. CLS. 51 AND 52).

FIRST USE 4-1-1990; IN COMMERCE 4-1-1990.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SWEDISH", APART FROM THE MARK AS SHOWN.

SER. NO. 74-150,041, FILED 3-22-1991.

LYNN A. LUTHEY, EXAMINING ATTORNEY

Int. Cl.: 3

Prior U.S. Cls.: 1, 4, 6, 50, 51, and 52

Reg. No. 2,460,088

United States Patent and Trademark Office

Registered June 12, 2001

TRADEMARK
PRINCIPAL REGISTER

AMARETTO

AUSTRALIAN GOLD, INC. (INDIANA CORPORATION)
6270 CORPORATE DRIVE
INDIANAPOLIS, IN 462782900

FOR: SUN TANNING PREPARATIONS, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 11-4-2000; IN COMMERCE 11-4-2000.

SN 75-565,421, FILED 10-7-1998.

PATRICIA HORRALL, EXAMINING ATTORNEY

Int. Cl.: 3

Prior U.S. Cls.: 1, 4, 6, 50, 51, and 52

Reg. No. 2,858,682

United States Patent and Trademark Office

Registered June 29, 2004

TRADEMARK
PRINCIPAL REGISTER

BONFIRE

ADVANCED TECHNOLOGY SYSTEMS, INC. (INDIANA CORPORATION)
6270 CORPORATE DRIVE
INDIANAPOLIS, IN 462782900

FOR: SUNTANNING PREPARATIONS, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 11-9-2003; IN COMMERCE 11-9-2003.

SN 76-517,992, FILED 5-29-2003.

RUDY R. SINGLETON, EXAMINING ATTORNEY

03-09-2001
U.S. Patent & TMOfc/TM Mail Rcpt Dt. #54

ADVANCED TECHNOLOGY SYSTEMS, INC.
6270 Corporate Drive
Indianapolis, Indiana 46278-2900

Goods: Suntanning Preparations

BRONZE FACES

Advanced Technology Systems, Inc.
Owner

By: Woodard, Emhardt, Naughton, Moriarty & McNett

TRADEMARK
76222127

76222127

TRADEMARK APPLICATION SERIAL NO. ______________

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
FEE RECORD SHEET

03/13/2001 EPINA1 00000114 76222127
01 FC:361 325.00 OP

PTO-1555
(5/87)

WOODARD, EMHARDT, NAUGHTON, MORIARTY & McNETT

HAROLD R. WOODARD
C. DAVID EMHARDT
JOSEPH A. NAUGHTON
JACK V. MORIARTY
JOHN C. McNETT
THOMAS Q. HENRY
JAMES M. DURLACHER
CHARLES R. REEVES
VINCENT O. WAGNER
STEVE ZLATOS
SPIRO BEREVESKOS
WILLIAM F. BAHRET
CLIFFORD W. BROWNING

R. RANDALL FRISK
DANIEL J. LUEDERS
KENNETH A. GANDY
TIMOTHY N. THOMAS
KERRY P. SISSELMAN
KURT N. JONES
JOHN H. ALLIE
HOLIDAY W. BANTA
TROY J. COLE
L. SCOTT PAYNTER
J. ANDREW LOWES
CHARLES J. MEYER
DARRIN WESLEY HARRIS

PATENT AND TRADEMARK ATTORNEYS
BANK ONE CENTER/TOWER
111 MONUMENT CIRCLE, SUITE 3700
INDIANAPOLIS, INDIANA 46204-5137
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MATTHEW R. SCHANTZ
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C. JOHN BRANNON
JASON J. SCHWARTZ
ARTHUR J. USHER IV
DOUGLAS A. COLLIER
BRAD A. SCHEPERS
R. CRAIG TUCKER
JAMES B. MYERS JR.
JOHN M. BRADSHAW
C. AMY NG SMITH

JAMES L. ROWE
SCOTT J. STEVENS
OF COUNSEL

LINDA S.W. CONRAD
STAFF ATTORNEY

CHARLES F. JACOBS
(1837-1892)
VIRGIL H. LOCKWOOD
(1860-1932)
RALPH G. LOCKWOOD
(1890-1957)

March 9, 2001

Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513
BOX NEW APP FEE

Re: Application for Federal Registration
Advanced Technology Systems, Inc.
Our Ref.: 8208-132

Dear Sir:

Please file the enclosed Application for Registration of BRONZE FACES. Also enclosed is our check in the sum of $325.00 together with the drawing. Please charge any additional fee or credit any overpayment to Deposit Account No. 23-3030.

Respectfully submitted,

By James M. Durlacher
James M. Durlacher, Reg. No. 28,840
Woodard, Emhardt, Naughton, Moriarty & McNett
Bank One Center/Tower
111 Monument Circle, Suite 3700
Indianapolis, Indiana 46204-5137
(317) 634-3456

ATS-023:JMD:120622:ss
Enclosures

"Express Mail" label number

EL 635866945 US

March 9, 2001
(Date of Deposit)

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR §1.10 on the date indicated above and is addressed to the Assistant Commissioner for Trademarks, 2900 Crystal Dr., Arlington, VA 22202-3513

Sandra L. Stil
Signature of person mailing paper or fee

8208-132

APPLICATION FOR TRADEMARK REGISTRATION

Mark: BRONZE FACES

International Class: 3

TO THE ASSISTANT COMMISSIONER FOR TRADEMARKS:

Advanced Technology Systems, Inc. a corporation of the State of Indiana, doing business at 6270 Corporate Drive, Indianapolis, Indiana 46278-2900 (hereinafter "Applicant"), has a bona fide intention to use the mark shown in the accompanying drawing in commerce on or in connection with suntanning preparations and requests that said mark be registered in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. §1051 et seq., as amended).

Applicant hereby appoints **James M. Durlacher, No. 28,840**; Harold R. Woodard, No. 16,214; C. David Emhardt, No. 18, 483; Joseph A. Naughton, Jr., No. 19, 814; John V. Moriarty, No. 26,207; John C. McNett, No. 25,533; Thomas Q. Henry, No. 28,309; Charles R. Reeves, No. 28,750; Vincent O. Wagner, No. 29,596; Steve Zlatos, No. 30,123; Spiro Bereveskos, No. 30,821; William F. Bahret, No. 31,087; Clifford W. Browning, No. 32,201; R. Randall Frisk, No. 32,221; Daniel J. Lueders, No. 32,581; Kenneth A. Gandy, No. 33,386; Timothy N. Thomas, No. 35,714; Kerry P. Sisselman, No. 37,237; Kurt N. Jones, 37,996; John H. Allie, No. 39,088; Holiday W. Banta, No. 40,311; Troy J. Cole, No. 35,102; L. Scott Paynter, No. 39,797; J. Andrew Lowes, No. 40,706; Matthew R. Schantz, No. 40,800; Gregory B. Coy, No. 40,967; Lisa A. Hiday, No. 40,036; John V. Daniluck, No. 40,581; Christopher A. Brown, No. 41,642; Charles J. Meyer, No. 41,996; Arthur J. Usher IV, No. 41,359; James B. Myers, Jr., No. 42,021; C. John Brannon, No. 44,557; Jason J. Schwartz, No. 43,910; Douglas A. Collier, No.

43,566; Brad A. Schepers, No. 45,431; John M. Bradshaw, No. 46,573; and Charles P. Schmal, No. 45,082, all of the same address and who are members of the Bar of the State of Indiana, constituting the firm of Woodard, Emhardt, Naughton, Moriarty & McNett, Bank One Center/Tower, 111 Monument Circle, Suite 3700, Indianapolis, Indiana 46204-5137, its attorneys herein, with full power of substitution and revocation, to transact all business in the Patent and Trademark Office and in the courts in connection therewith.

DECLARATION

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that she is properly authorized to execute this application on behalf of the Applicant; she believes the Applicant to be the owner of the mark sought to be registered, or, if the application is being filed under 15 U.S.C. 1051(b), she believes Applicant to be entitled to use such mark in commerce; to the best of her knowledge and belief no other person, firm, corporation, or association has the right to use the above identified mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods of such other person, to cause confusion, or to cause mistake, or to deceive; and all statements made of her own knowledge are true and all statements made on information and belief are believed to be true.

ADVANCED TECHNOLOGY SYSTEMS, INC.

March 8, 2001
Date of Signature

By: Leslie A. Hartlieb for March 1
Leslie A. Hartlieb
Vice President – Marketing

Int. Cl.: 3

Prior U.S. Cls.: 1, 4, 6, 50, 51, and 52

Reg. No. 2,458,350

United States Patent and Trademark Office

Registered June 5, 2001

TRADEMARK
PRINCIPAL REGISTER

BROWNING SYRUP

ADVANCED TECHNOLOGY SYSTEMS, INC. (INDIANA CORPORATION)
6270 CORPORATE DRIVE
INDIANAPOLIS, IN 462782900

FOR: SUNTANNING PREPARATIONS, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 11-10-1999; IN COMMERCE 11-10-1999.

SN 75-748,858, FILED 7-13-1999.

ELISSA GARBER KON, EXAMINING ATTORNEY

Int. Cl.: 3

Prior U.S. Cls.: 1, 4, 6, 50, 51 and 52

Reg. No. 2,630,659
Registered Oct. 8, 2002

United States Patent and Trademark Office

TRADEMARK
PRINCIPAL REGISTER

CHOCOLATE INDULGENCE

AUSTRALIAN GOLD, INC. (INDIANA CORPORATION)

6270 CORPORATE DRIVE

INDIANAPOLIS, IN 46278 , BY ASSIGNMENT ADVANCED TECHNOLOGY SYSTEMS, INC. (INDIANA CORPORATION) INDIANAPOLIS, IN 462782900

FOR: SUNTANNING PREPARATIONS, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 11-4-2001; IN COMMERCE 11-4-2001.

SER. NO. 76-222,128, FILED 3-9-2001.

PATRICIA HORRALL, EXAMINING ATTORNEY

Int. Cl.: 3

Prior U.S. Cls.: 1, 4, 6, 50, 51, and 52

Reg. No. 2,566,036

United States Patent and Trademark Office — Registered Apr. 30, 2002

TRADEMARK
PRINCIPAL REGISTER

CHOCOLATE SILK

ADVANCED TECHNOLOGY SYSTEMS, INC. (INDIANA CORPORATION)
6270 CORPORATE DRIVE
INDIANAPOLIS, IN 462782900

FOR: SUNTANNING PREPARATIONS, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 11-4-2000; IN COMMERCE 11-4-2000.

SN 76-034,723, FILED 4-25-2000.

GINNY ISAACSON, EXAMINING ATTORNEY

Int. Cl.: 3

Prior U.S. Cls.: 1, 4, 6, 50, 51, and 52

Reg. No. 2,847,976

United States Patent and Trademark Office Registered June 1, 2004

TRADEMARK
PRINCIPAL REGISTER

CHOCOLATE TEMPTATION

AUSTRALIAN GOLD, INC. (INDIANA CORPORATION)
6270 CORPORATE DRIVE
INDIANAPOLIS, IN 462782900

FOR: SUNTANNING PREPARATIONS, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 11-9-2003; IN COMMERCE 11-9-2003.

OWNER OF U.S. REG. NO. 2,392,360.

SN 76-222,269, FILED 3-9-2001.

LESLIE RICHARDS, EXAMINING ATTORNEY

04-16-2003
U.S. Patent & TMOfc/TM Mail Rcpt Dt. #67

ADVANCED TECHNOLOGY SYSTEMS, INC.
6270 Corporate Drive
Indianapolis, Indiana 46278-2900

Goods: Suntanning Preparations

CREME DE LA ESSENCE

Advanced Technology Systems, Inc.
Owner

By: Woodard, Emhardt, Moriarty, McNett & Henry LLP

U.S. Patent & TM Ofc/TM
76506783

76506783

TRADEMARK APPLICATION SERIAL NO.

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
FEE RECORD SHEET

04/21/2003 KSOMCHAN 00000086 76506783

01 FC:6001 335.00 OP

PTO-1555
(5/87)

WOODARD, EMHARDT, MORIARTY, MCNETT & HENRY LLP

C. DAVID EMHARDT
JACK V. MORIARTY
JOHN C. McNETT
THOMAS Q. HENRY
JAMES M. DURLACHER
CHARLES R. REEVES
VINCENT O. WAGNER
STEVE ZLATOS
SPIRO BEREVESKOS
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HOLIDAY W. BANTA
TROY J. COLE
L. SCOTT PAYNTER
CHARLES J. MEYER
MATTHEW R. SCHANTZ
GREGORY B. COY
LISA A. HIDAY
JOHN V. DANILUCK

PATENT AND TRADEMARK ATTORNEYS
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INDIANAPOLIS, INDIANA 46204-5137
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DENISE M. GOSNELL
JOHN J. EMANUELE

JOSEPH A. NAUGHTON
SENIOR COUNSEL

SCOTT J. STEVENS
EDWARD E. SOWERS
OF COUNSEL

CHARLES P. JACOBS
(1937-1997)
VIRGIL H. LOCKWOOD
(1900-1932)
RALPH G. LOCKWOOD
(1900-1957)
HAROLD R. WOODARD
(1911-2003)

April 15, 2003

Assistant Commissioner for Trademarks
BOX NEW APP FEE
2900 Crystal Drive
Mail Center, 3rd Floor, Room 3B30
Arlington, Virginia 22202-3513

Re: Application for Federal Registration
Advanced Technology Systems, Inc.
CREME DE LA ESSENCE
Our Ref.: 8208-170

Dear Sir:

Please file the enclosed Application for Registration of CREME DE LA ESSENCE. Also enclosed is our check in the sum of $335.00 together with the drawing. Please charge any additional fee or credit any overpayment to Deposit Account No. 23-3030.

Respectfully submitted,

By *James M. Durlacher*
James M. Durlacher, Reg. No. 28,840
Woodard, Emhardt, Moriarty,
McNett & Henry LLP
Bank One Center/Tower
111 Monument Circle, Suite 3700
Indianapolis, Indiana 46204-5137
(317) 634-3456

8208-170.JMD.215624:ss
Enclosures

Federal Express Tracking No. 7902 6081 0870

Date of Deposit April 15, 2003

I hereby certify that this correspondence is being sent via FEDEX Priority Overnight Service on the date indicated above and is addressed to the Assistant Commissioner for Trademarks, BOX NEW APP FEE, 2900 Crystal Drive, Mail Center, 3rd Floor, Room 3B30, Arlington, VA 22202-3513

Sandra L. Seely
Signature of person mailing paper or fee

8208-170:#213717

APPLICATION FOR TRADEMARK REGISTRATION

Mark: CREME DE LA ESSENCE

International Class: 3

TO THE ASSISTANT COMMISSIONER FOR TRADEMARKS:

Advanced Technology Systems, Inc. a corporation of the State of Indiana, doing business at 6270 Corporate Drive, Indianapolis, Indiana 46278-2900 (hereinafter "Applicant"), has a bona fide intention to use the mark shown in the accompanying drawing in commerce on or in connection with *suntanning preparations* and requests that said mark be registered in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. §1051 et seq., as amended).

Applicant hereby appoints **James M. Durlacher, No. 28,840**; C. David Emhardt No. 18,483; Joseph A. Naughton No. 19,814; John V. Moriarty No. 26,207; John C. McNett No. 25,533; Thomas Q. Henry No. 28,309; Charles R. Reeves No. 28,750; Vincent O. Wagner No. 29,596; Steve Zlatos No. 30,123; Spiro Bereveskos No. 30,821; Clifford W. Browning No. 32,201; R. Randall Frisk No. 32,221; Daniel J. Lueders No. 32,581; Kenneth A. Gandy No. 33,386; Timothy N. Thomas No. 35,714; Kurt N. Jones No. 37,996; John H. Allie No. 39,088; Holiday W. Banta No. 40,311; Troy J. Cole No. 35,102; L. Scott Paynter No. 39,797; Charles J. Meyer No. 41,996; Matthew R. Schantz No. 40,800; Gregory B. Coy No. 40,967; Lisa A. Hiday No. 40,036; John V. Daniluck No. 40,581; Christopher A. Brown No. 41,642; Arthur J. Usher IV No. 41,359; Douglas A. Collier No. 43,556; Brad A. Schepers No. 45,431; Scott J. Stevens No. 29,446; James B. Myers No. 42,021; John M. Bradshaw No. 46,573; Quentin G. Cantrell No. 47,469;

Charles P. Schmal No. 45,082; David E. Novak, No. P-50,7562; Edward E. Sowers No. 36,015; John L. Roberts No. 50,453; Denise M. Gosnell, No. P-51,748; and John J. Emanuele, No. P-51,653, all of the same address and who are members of the Bar of the State of Indiana, constituting the firm of Woodard, Emhardt, Moriarty, McNett & Henry LLP, Bank One Center/Tower, 111 Monument Circle, Suite 3700, Indianapolis, Indiana 46204-5137, its attorneys herein, with full power of substitution and revocation, to transact all business in the Patent and Trademark Office and in the courts in connection therewith.

DECLARATION

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that she is properly authorized to execute this application on behalf of the Applicant; she believes the Applicant to be the owner of the mark sought to be registered, or, if the application is being filed under 15 U.S.C. 1051(b), she believes Applicant to be entitled to use such mark in commerce; to the best of her knowledge and belief no other person, firm, corporation, or association has the right to use the above identified mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods of such other person, to cause confusion, or to cause mistake, or to deceive; and all statements made of her own knowledge are true and all statements made on information and belief are believed to be true.

ADVANCED TECHNOLOGY SYSTEMS, INC.

April 9, 2003
Date of Signature

By: [signature]
Leslie A. Hartlieb
Vice President of Marketing

8208-170.JMD.289901

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re trademark application of:	)
	) Examining Attorney
Advanced Technology Systems, Inc.	)
	) Rudy R. Singleton
Serial No. 76/506,783	)
	) Law Office 102
Filed April 16, 2003	)
	) July 15, 2004
CREME DE LA ESSENCE	)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513 on

July 15, 2004
(Date of Deposit)

James M. Durlacher
Name of Registered Representative

James M. Durlacher
Signature

July 15, 2004
Date of Signature

AMENDMENT OF THE
FORM OF THE MARK

Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513
BOX RESPONSES/ NO FEE
Law Office 102

Sir:

Applicant is requesting an amendment of the subject mark in order to reflect the preferred form of the mark and the form of the mark now being used in commerce. The following explanation provides specifics for the Examiner's determination in this matter. Since the character of the mark is not materially altered by the requested amendment, this amendment is respectfully requested to be approved and entered.

The subject trademark application has received a Notice of Allowance (dated May 11, 2004) and a Statement of Use or a Request for an Extension of Time in which to file a Statement of Use is currently required by November 11, 2004. The required Statement of Use is being filed concurrently with this Amendment. This Statement of Use is directed to the currently-used form of the mark, as shown in the specimen. The Examiner is respectfully requested to amend the subject mark from its current application form of: "CREME DE LA ESSENCE" to the currently-used form of : "CRÈME DE L'ESSENCE".

It is submitted that the replacement of "DE LA ESSENCE" with DE L'ESSENCE" does not materially alter the character of the mark (37 CFR §2.72(a)). The amended mark (CRÈME DE L'ESSENCE) contains what would be the essence of the original mark, namely, the principal terms of CREME and ESSENCE. The new form (i.e., the amended mark) creates the impression of being essentially the same mark. There is no need to republish the mark for purposes of opposition if the mark is amended. Visa International Service Association v. Life-Code Systems, Inc., 220 U.S.P.Q. 740 (TTAB 1983).

The differences between CRÈME DE L'ESSENCE and CREME DE LA ESSENCE must be seen as insignificant and not rising to a level of alteration that would require republication. In the case of In re Larios, S.A., 35 U.S.P.Q.2d 1214 (TTAB 1995), it was held that changing from "GRAN VINO MALAGA LARIOS" to "VINO DE MALAGA LARIOS" was not a material alteration. If deleting one word and adding a new word in a different portion of the mark, as noted above, is not considered to be a material alteration, then in the present situation, substituting a minor word (DE LA with DE L') cannot be regarded as a material alteration. Further, the addition of the accent mark over the first "E" of CRÈME is not a material alteration of the mark.

Accordingly, the Examiner is respectfully requested to approve the requested amendment, changing the mark to CRÈME DE L'ESSENCE. This in turn puts the Statement of Use in condition for acceptance.

A substitute drawing page is enclosed for the amended form of the mark, CRÈME DE L'ESSENCE.

If there are any remaining unresolved issues with regard to the requested amendment of the mark, a telephone call to the undersigned attorney of record to discuss those issues would be appreciated.

Respectfully submitted,

By James M. Durlacher

James M. Durlacher, Reg. No. 28,840
Woodard, Emhardt, Moriarty,
McNett & Henry LLP
Bank One Center/Tower
111 Monument Circle, Suite 3700
Indianapolis, Indiana 46204-5137
(317) 634-3456

ADVANCED TECHNOLOGY SYSTEMS, INC.
6270 Corporate Drive
Indianapolis, Indiana 46278-2900

Goods: Suntanning Preparations

CRÈME DE L'ESSENCE

Advanced Technology Systems, Inc.
Owner

By: Woodard, Emhardt, Moriarty, McNett & Henry LLP

Int. Cl.: 3

Prior U.S. Cls.: 1, 4, 6, 50, 51, and 52

Reg. No. 2,867,616

United States Patent and Trademark Office Registered July 27, 2004

TRADEMARK
PRINCIPAL REGISTER

DANGEROUSLY DARK

AUSTRALIAN GOLD, INC. (INDIANA CORPORATION)
6270 CORPORATE DRIVE
INDIANAPOLIS, IN 462782900

FOR: SUNTANNING PREPARATIONS, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 11-9-2003; IN COMMERCE 11-9-2003.

SN 76-510,198, FILED 4-28-2003.

PAULA MAYS, EXAMINING ATTORNEY

Document Description: Trademark Application
Mail / Create Date: 29-Jan-2004

You are currently on page of

PTO Form 1478 (Rev 4/98)
OMB Control #0651-0009 (Exp. 06/30/2005)

Trademark/Service Mark Application, Principal Register

Serial Number: 78359209
Filing Date: 01/29/2004

The table below presents the data as entered.

Input Field	Entered
MARK SECTION	
MARK	DARK DESIRE
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	DARK DESIRE
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
OWNER SECTION	
NAME	Advanced Technology Systems, Inc.
STREET	6720 Corporate Drive
CITY	Indianapolis
STATE	IN
ZIP/POSTAL CODE	46278
COUNTRY	USA
EMAIL	cjm@uspatent.com
AUTHORIZED EMAIL COMMUNICATION	Yes
LEGAL ENTITY SECTION	

TYPE	CORPORATION
STATE/COUNTRY OF INCORPORATION	Indiana
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	003
DESCRIPTION	Indoor and outdoor tanning preparations.
FILING BASIS	Section 1(b)
SIGNATURE SECTION	
SIGNATURE	/Charles J. Meyer/
SIGNATORY NAME	Charles J. Meyer
SIGNATORY DATE	01/29/2004
SIGNATORY POSITION	Attorney for Applicant
PAYMENT SECTION	
NUMBER OF CLASSES	1
NUMBER OF CLASSES PAID	1
SUBTOTAL AMOUNT	335
TOTAL AMOUNT	335
ATTORNEY	
NAME	Charles J. Meyer
FIRM NAME	Woodard, Emhardt, Moriarty, McNett & Henry, LLP
STREET	111 Monument Circle, Suite 3700
CITY	Indianapolis
STATE	IN
ZIP/POSTAL CODE	46204-5137
COUNTRY	USA
PHONE	(317) 634-3456
FAX	(317) 637-7561

EMAIL	cjm@uspatent.com
AUTHORIZED EMAIL COMMUNICATION	Yes
ATTORNEY DOCKET NUMBER	8208-188
OTHER APPOINTED ATTORNEY(S)	C. David Emhardt 18,483; Joseph A. Naughton 19,814; John V. Moriarty 26,207; John C. McNett 25,533; Thomas Q. Henry 28,309; James M. Durlacher 28,840; Charles R. Reeves 28,750; Vincent O. Wagner 29,596; Steve Zlatos 30,123; Spiro Bereveskos 30,821; Clifford W. Browning 32,201; R. Randall Frisk 32,221; Daniel J. Lueders 32,581; Kenneth A. Gandy 33,386; Timothy N. Thomas 35,714; Kurt N. Jones 37,996; John H. Allie 39,088; Holiday W. Banta 40,311; Troy J. Cole 35,102; L. Scott Paynter 39,797; Charles J. Meyer 41,996; Matthew R. Schantz 40,800; Gregory B. Coy 40,967; Lisa A. Hiday 40,036; John V. Daniluck 40,581; Christopher A. Brown 41,642; Arthur J. Usher IV 41,359; Douglas A. Collier 43,556; Brad A. Schepers 45,431; Scott J. Stevens 29,446; James B. Myers 42,021; John M. Bradshaw 46,573; Quentin G. Cantrell 47,469; Charles P. Schmal 45,082; David E. Novak 50,752; Edward E. Sowers 36,015; Jason A. Houdek 54,620; John L. Roberts 50,453; Denise M. Gosnell 51,748; John J. Emanuele 51,653; Michael S. Wherry P53,764; Michael C. Bartol 44,025
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NAME	Charles J. Meyer
FIRM NAME	Woodard, Emhardt, Moriarty, McNett & Henry, LLP
STREET	111 Monument Circle, Suite 3700
CITY	Indianapolis
STATE	IN
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AUTHORIZED EMAIL COMMUNICATION	Yes
FILING INFORMATION	
SUBMIT DATE	Thu Jan 29 10:43:35 EST 2004
TEAS STAMP	USPTO/BAS-206532382-20040129104335781063-78359209-2005b6f1c79476a681b3a5c627a998d3d-DA-830-20040129103803992472

PTO Form 1478 (Rev 4/98)
OMB Control #0651-0009 (Exp. 06/30/2005)

Trademark/Service Mark Application, Principal Register

Serial Number: 78359209
Filing Date: 01/29/2004

To the Commissioner for Trademarks:

MARK: (Standard Characters, see mark)

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The literal element of the mark consists of DARK DESIRE.

The applicant, Advanced Technology Systems, Inc., a corporation of Indiana, residing at 6720 Corporate Drive, Indianapolis, IN, USA, 46278, requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended.

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 003: Indoor and outdoor tanning preparations.

The applicant hereby appoints Charles J. Meyer and C. David Emhardt 18,483; Joseph A. Naughton 19,814; John V. Moriarty 26,207; John C. McNett 25,533; Thomas Q. Henry 28,309; James M. Durlacher 28,840; Charles R. Reeves 28,750; Vincent O. Wagner 29,596; Steve Zlatos 30,123; Spiro Bereveskos 30,821; Clifford W. Browning 32,201; R. Randall Frisk 32,221; Daniel J. Lueders 32,581; Kenneth A. Gandy 33,386; Timothy N. Thomas 35,714; Kurt N. Jones 37,996; John H. Allie 39,088; Holiday W. Banta 40,311; Troy J. Cole 35,102; L. Scott Paynter 39,797; Charles J. Meyer 41,996; Matthew R. Schantz 40,800; Gregory B. Coy 40,967; Lisa A. Hiday 40,036; John V. Daniluck 40,581; Christopher A. Brown 41,642; Arthur J. Usher IV 41,359; Douglas A. Collier 43,556; Brad A. Schepers 45,431; Scott J. Stevens 29,446; James B. Myers 42,021; John M. Bradshaw 46,573; Quentin G. Cantrell 47,469; Charles P. Schmal 45,082; David E. Novak 50,752; Edward E. Sowers 36,015; Jason A. Houdek 54,620; John L. Roberts 50,453; Denise M. Gosnell 51,748; John J. Emanuele 51,653; Michael S. Wherry P53,764; Michael C. Bartol 44,025 of Woodard, Emhardt, Moriarty, McNett & Henry, LLP111 Monument Circle, Suite 3700, Indianapolis, IN, USA, 46204-5137 to submit this application on behalf of the applicant. The attorney docket/reference number is 8208-188.

The USPTO is authorized to communicate with the applicant or its representative at the following email address: cjm@uspatent.com.

A fee payment in the amount of $335 will be submitted with the application, representing payment for 1 class(es).

Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /Charles J. Meyer/ Date: 01/29/2004
Signatory's Name: Charles J. Meyer
Signatory's Position: Attorney for Applicant

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RAM Sale Number: 830
RAM Accounting Date: 01/29/2004

Serial Number: 78359209
Internet Transmission Date: Thu Jan 29 10:43:35 EST 2004
TEAS Stamp: USPTO/BAS-206532382-20040129104335781063
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ADVANCED TECHNOLOGY SYSTEMS, INC.
6270 Corporate Drive
Indianapolis, Indiana 46278-2900

Goods: Suntanning Preparations

04-16-2003
U.S. Patent & TMOfc/TM Mail Rcpt Dt. #67

ESSENCE BY SWEDISH BEAUTY

Advanced Technology Systems, Inc.
Owner

By: Woodard, Emhardt, Moriarty, McNett & Henry LLP

U.S. Patent & TM Ofc/TM
76506785

76506785

TRADEMARK APPLICATION SERIAL NO.

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
FEE RECORD SHEET

04/21/2003 KSOMCHAN 00000088 76506785

01 FC:6001 335.00 OP

PTO-1555
(5/87)

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RALPH G. LOCKWOOD (1900-1967)
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April 15, 2003

Assistant Commissioner for Trademarks
BOX NEW APP FEE
2900 Crystal Drive
Mail Center, 3rd Floor, Room 3B30
Arlington, Virginia 22202-3513

Re: Application for Federal Registration
Advanced Technology Systems, Inc.
ESSENCE BY SWEDISH BEAUTY
Our Ref.: 8208-168

Dear Sir:

Please file the enclosed Application for Registration of ESSENCE BY SWEDISH BEAUTY. Also enclosed is our check in the sum of $335.00 together with the drawing. Please charge any additional fee or credit any overpayment to Deposit Account No. 23-3030.

Respectfully submitted,

By *James M. Durlacher*
James M. Durlacher, Reg. No. 28,840
Woodard, Emhardt, Moriarty,
McNett & Henry LLP
Bank One Center/Tower
111 Monument Circle, Suite 3700
Indianapolis, Indiana 46204-5137
(317) 634-3456

8208-168.JMD.215630:ss
Enclosures

Federal Express Tracking No. 7902 6081 0870

Date of Deposit April 15, 2003

I hereby certify that this correspondence is being sent via FEDEX Priority Overnight Service on the date indicated above and is addressed to the Assistant Commissioner for Trademarks, BOX NEW APP FEE, 2900 Crystal Drive, Mail Center, 3rd Floor, Room 3B30, Arlington, VA 22202-3513

Sandra L. Artil
Signature of person mailing paper or fee

8208-168:#213713

APPLICATION FOR TRADEMARK REGISTRATION

Mark: ESSENCE BY SWEDISH BEAUTY

International Class: 3

TO THE ASSISTANT COMMISSIONER FOR TRADEMARKS:

Advanced Technology Systems, Inc. a corporation of the State of Indiana, doing business at 6270 Corporate Drive, Indianapolis, Indiana 46278-2900 (hereinafter "Applicant"), has a bona fide intention to use the mark shown in the accompanying drawing in commerce on or in connection with *suntanning preparations* and requests that said mark be registered in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. §1051 et seq., as amended).

Applicant is the owner of U.S. Trademark Registration No. 1,928,801.

Applicant hereby appoints **James M. Durlacher, No. 28,840**; C. David Emhardt No. 18,483; Joseph A. Naughton No. 19,814; John V. Moriarty No. 26,207; John C. McNett No. 25,533; Thomas Q. Henry No. 28,309; Charles R. Reeves No. 28,750; Vincent O. Wagner No. 29,596; Steve Zlatos No. 30,123; Spiro Bereveskos No. 30,821; Clifford W. Browning No. 32,201; R. Randall Frisk No. 32,221; Daniel J. Lueders No. 32,581; Kenneth A. Gandy No. 33,386; Timothy N. Thomas No. 35,714; Kurt N. Jones No. 37,996; John H. Allie No. 39,088; Holiday W. Banta No. 40,311; Troy J. Cole No. 35,102; L. Scott Paynter No. 39,797; Charles J. Meyer No. 41,996; Matthew R. Schantz No. 40,800; Gregory B. Coy No. 40,967; Lisa A. Hiday No. 40,036; John V. Daniluck No. 40,581; Christopher A. Brown No. 41,642; Arthur J. Usher IV No. 41,359; Douglas A. Collier No. 43,556; Brad A. Schepers No. 45,431; Scott J. Stevens No. 29,446; James

B. Myers No. 42,021; John M. Bradshaw No. 46,573; Quentin G. Cantrell No. 47,469; Charles P. Schmal No. 45,082; David E. Novak, No. P-50,7562; Edward E. Sowers No. 36,015; John L. Roberts No. 50,453; Denise M. Gosnell, No. P-51,748; and John J. Emanuele, No. P-51,653, all of the same address and who are members of the Bar of the State of Indiana, constituting the firm of Woodard, Emhardt, Moriarty, McNett & Henry LLP, Bank One Center/Tower, 111 Monument Circle, Suite 3700, Indianapolis, Indiana 46204-5137, its attorneys herein, with full power of substitution and revocation, to transact all business in the Patent and Trademark Office and in the courts in connection therewith.

DECLARATION

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that she is properly authorized to execute this application on behalf of the Applicant; she believes the Applicant to be the owner of the mark sought to be registered, or, if the application is being filed under 15 U.S.C. 1051(b), she believes Applicant to be entitled to use such mark in commerce; to the best of her knowledge and belief no other person, firm, corporation, or association has the right to use the above identified mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods of such other person, to cause confusion, or to cause mistake, or to deceive; and all statements made of her own knowledge are true and all statements made on information and belief are believed to be true.

ADVANCED TECHNOLOGY SYSTEMS, INC.

April 9, 2003
Date of Signature

By: [signature]
Leslie A. Hartlieb
Vice President of Marketing

Int. Cl.: 3

Prior U.S. Cls.: 1, 4, 6, 50, 51, and 52

Reg. No. 2,744,671

United States Patent and Trademark Office **Registered July 29, 2003**

TRADEMARK
PRINCIPAL REGISTER

FROSTED HEMP

ADVANCED TECHNOLOGY SYSTEMS, INC. (INDIANA CORPORATION)
6270 CORPORATE DRIVE
INDIANAPOLIS, IN 462782900

FOR: SUNTANNING PREPARATIONS, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 11-8-2002; IN COMMERCE 11-8-2002.

SN 76-403,647, FILED 5-3-2002.

LINDA POWELL, EXAMINING ATTORNEY

Int. Cl.: 3

Prior U.S. Cls.: 1, 4, 6, 50, 51, and 52

Reg. No. 2,867,617

United States Patent and Trademark Office Registered July 27, 2004

TRADEMARK
PRINCIPAL REGISTER

HOT AMARETTO

AUSTRALIAN GOLD, INC. (INDIANA CORPORATION)
6270 CORPORATE DRIVE
INDIANAPOLIS, IN 462782900

FOR: SUNTANNING PREPARATIONS, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 11-9-2003; IN COMMERCE 11-9-2003.

OWNER OF U.S. REG. NOS. 1,961,084, 2,245,160, AND 2,460,088.

SN 76-510,199, FILED 4-28-2003.

GWEN STOKOLS, EXAMINING ATTORNEY